

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 2nd FLOOR COMMISSIONER'S MEETING ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, MAY 23, 2006 AT 3:30 P.M.

PRESENT: Vice Chairman Bill Utz, Mark Seabrook, Todd Solomon and Larry Kochert. Mayor Garner arrived late.

OTHERS: Attorney Greg Fifer, Rob Sartell and Brian Dixon, EMC, Kelly Welsh, Tina Haley, and City Clerk Marcey Wisman.

CALL TO ORDER:

Vice Chairman Bill Utz called the meeting to order at 3:33 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Seabrook made a motion to approve the May 9th meeting minutes with corrections, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Susan Johnson stated that at the last council meeting Mr. Fifer said that the capacity study was completed for Brookview on Graybrook Lane and wanted to know if Clark Dietz did it.

Mr. Fifer replied yes.

Ms. Johnson asked if they would ever allow someone else to do these studies and if they need to make a motion to have someone else do those.

Mr. Fifer stated that the sewer board has already passed a motion that Clark Dietz will do all of the engineering studies.

John Mattingly, 511 Kenzig Road, addressed the board regarding the sewer line that is being installed on Kenzig Road and they cannot find a permit for that line and wanted to know if EMC has inspected that line because it is 27 feet deep.

Mr. Sartell stated that Mr. Dixon has inspected and he informed the guys that they had to follow OSHA standards.

There was a lengthy discussion regarding the sewer work being done for the Wright Woods Development and what is required of them by the City to cover the surety of the City.

Mr. Solomon asked if the developer of the Wright Woods has a letter of capacity.

Mr. Fifer stated that they probably do not because they started on this project prior to that agreement.

Mr. Solomon stated that he believes that we need to give the EPA a spread sheet and a map showing the developments that go over 15,500 credits, when they were approved, started and received credit for the EPA's assessment and made a motion to that effect, Mr. Kochert second, all voted in favor with the exception of Mayor Garner who was not present.

Mr. Fifer stated that EPA does not believe that we are on the verge of having massive sewer overflows and he feels that we should not throw up any red flags for the EPA.

There was a lengthy discussion as to what will be prepared and Clark Dietz preparing this information for the EPA.

COMMUNICATIONS - CITY OFFICIALS

Mark Seabrook stated that he has been inundated with phone calls from citizens regarding the storm water billing process. He said that it is a total disaster and he feels that if the council does not pass the new storm water board ordinance this issue needs to be turned over to the Board of Works.

John Beyke, FMSM, addressed this issue and stated that anytime you initiate a storm water utility, you will have these types of situations. He added that no matter how much you publicize and advertise the new fee the customers don't really pay attention until the bill comes in the mail. He also explained that they are working with the City to minimize the impact and understands that the customers are confused.

Mr. Seabrook stated that not all customers are confused and that some of them received a wrong bill.

Mr. Beyke replied that is correct and explained that it is due to the fact that some of the tax information received for the billing was miscoded.

Ms. Welsh agreed that some of the information was miscoded.

Mr. Seabrook asked if anyone had looked over the information they received before the billing went out and asked what was being done to correct it.

Ms. Welsh explained the process they are using to correct it.

There was a lengthy discussion regarding the problems and the mistakes in the assessor's codes and how these issues can be corrected.

Ms. Welsh stated that there is no way their system can not go back and change the last quarter.

Mr. Fifer recommended to extend the late date for 30 days and to waive the late fees for anyone who has filed a dispute due to an error in classification and is making a good faith effort to get their bill paid.

Mr. Seabrook moved to approve, Mr. Kochert second, all voted in favor.

Ms. Welsh informed the board that they have also discovered that commercial and industrial was only billed for one month rather than the quarter.

Mr. Fifer stated we need to discover how much would be lost if we waived the difference of the quarterly bill to see if it is worth all of the trouble. He said that the information needs to be gathered and then brought before the board to decide what should be done.

Mr. Solomon asked if we have TVed Basin 35.

Mr. Sartell stated that they have and it is in fairly good condition.

Mayor Garner arrived at 4:13 p.m.

Mr. Solomon stated that from looking at the agenda we have a re-active agenda and would like to propose a proactive. He asked when the County Comprehensive Plan was approved.

Mr. Fifer stated that they are in the process of adopting a new zoning ordinance and a proposed update to the comprehensive plan.

Mr. Solomon asked if the plan prohibits us from building out in the County.

Mr. Fifer stated that it does not prohibit but that it does restrict our expansion.

There was a lengthy discussion regarding expanding sewers to developments in Floyds Knobs.

Mr. Solomon stated that they have not received their green bar reports for the month yet and wanted to know why.

Mayor Garner stated that he would check into it but felt that it was due to the State Board of Accounts keeping that office busy with requests for the last couple of weeks.

SEWER ADJUSTMENTS:

Item #1 - Kelly Welsh re: sewer adjustment requests

Bradford Reality, 402 E. Market, broken water line, request adjustment of \$971.94.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

Lisa Brindle, 718 W. Spring Street, water line leak, request adjustment of \$2,576.29.

Mr. Seabrook moved to approve, Mr. Kochert second, all voted in favor.

Ms. Welsh explained to Mr. Robert Beach that he can not be put on the Summer Watering Program based on zero consumption when he is in Florida and she just wanted to bring that to the board's attention.

Mr. Beach asked if it wasn't discrimination towards older people who are able to leave town.

Mayor Garner stated that it is not discrimination at all but allows the citizens of the community a discount on their bill for watering their lawns. He suggested that Mr. Beach install a separate meter for irrigation.

OLD BUSINESS:

Item #1 - Brian Dixon re: review bids for Robert E. Lee Interceptor

Wes Christmas submitted a letter of recommendation finding Team Contracting to be the lowest responsive and responsible bidder.

Mr. Solomon stated that he wants to be sure that since they are coming in at approximately \$250,000 below the estimate that if they change the plan, it will be a deduct to the city.

The board took this under advisement.

Item #2 - Brian Dixon re: Clarke Dietz Amendment #4

Mr. Tekippe informed the board that they have an amendment to clean up the plan for the Robert E. Lee project which will lower their fee by \$108,000.00.

Mr. Solomon stated that he firmly believes that we should not take the rebuild of the pump station out of the plan because it needs to be done now.

There was a lengthy discussion regarding the condition of the Robert E. Lee pump station and its imminent need to be rebuilt.

The board will take this under advisement until the next meeting.

NEW BUSINESS:

Mr. McCormick presented the board with the financial report for March and April, which is on file with the City Clerk's office. He reviewed the report in detail with the board.

Mr. Kochert asked several questions regarding the payments for the City's trucks now being used by SWI and garbage cans.

Mayor Garner explained that SWI will be paying the second truck payment and that the city is responsible for the cans.

Mr. Fifer asked if it was appropriate to discuss getting the Umbaugh report to Mr. McCormick for advice.

Mayor Garner replied that he is going to assume that at 6:00 p.m. when the board is finished with the executive session that it is public but he has not received a call from the Council President as to how to distribute them.

EMC REPORT:

Item #1 - Rob Sartell re: Tort Claims

Mr. Sartell reported that he has two tort claims

The Bilberry's filed a claim for \$276.42.

Mr. Solomon stated that he didn't agree that the city is negligent and he would like to table this until Mr. Dixon is back.

Steve and Tamara Morris, Chapel Creek Lift Station, lost power and sewage came up through their line into their basement.

Mr. Kochert made a motion that all claims that are paid due to back up needs to require that the homeowner install a back flow valve, Mr. Solomon second, all voted in favor.

Mr. Kochert made a motion to approve the Morris Claim, Mr. Solomon second, all voted in favor.

Mr. Sartell stated that he will be giving the payment from M & R for \$13,006.00 to Ms. Garry for deposit. He also reported that EMC will be paying the city the full amount for the boom truck.

Mr. Fifer stated that this should be an as is transfer with no warranty by the City.

Mr. Kochert moved to accept the EMC offer on the boom truck, Mr. Solomon second, all voted in favor.

Mr. Sartell reported that regarding the electrical, they have investigated it and found out they were not using the blowers as often as they had planned to do and that is why there was such a discrepancy in the electric usage and he would like to get with Mr. Solomon to calculate the cap.

Mr. Solomon stated that he does not see why EMC is paying the bill rather than the city.

There was a lengthy discussion regarding the issues behind why EMC pays the electric rather than the city and that their incentive for running an efficient plant should be the \$3 million yearly contract that they have with the city.

Mayor Garner asked Rob and Todd to get together on this issue to come to a compromise.

John Tannis, EMC, stated that the first year of the operation of this plant they pushed not to use the second clarifier and he does not believe that next year's bill will be as low as it was this year.

Mr. Sartell had specs to have the truck retro-fitted for the camera in the amount of \$62,000.00.

Mr. Fifer stated that this is absolutely necessary to get the maintenance and TVing on line for our deal with the EPA.

Mr. Kochert made a motion to approve the retro-fit of the truck with the contingency that it not be done until Friday if no one calls to reject it, Mr. Utz second, all voted in favor.

Mr. Fifer asked for authority to sue SBC and their sub-contractor Lineal for boring through our main.

Mr. Kochert moved to approve, Mr. Seabrook second, all vote in favor.

BIDS:

CLAIMS:

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:32 p.m.

Respectfully submitted,

James E. Garner, Chairman

Marcey Wisman, City Clerk